IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 12348 of 2003

Between:

K.Saraiah s/o.Gattu Mallu,aged about 40 years,

E.650857, Driver.APSRTC, Narsampet Depot,Narsampet,
Warangal Dist.

..... PETITIONER

AND

1 The Regional .Manager, APSRTC, Warangal,Warangal District.
2 The Depot Manager, APSRTC, Narsampet Depot, Narsampet,Warangal

District..

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direciton more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in transferring the petitioner by office order NO.P3/255(19)/02 RM;WL dated 17-9-2002 as illegal, arbitrary, high handed, unconstitutional and against the provisions of APSRTC Employees (service) Regulations, 1964 and consequently set aside the same by directing the respondents to allow and continue the petitoner in APSRTC Warangal Region.

Counsel for the Petitioner:MR.T.BHEEMSEN & T.V.PRANAI KUMAR

Counsel for the Respondents:Smt.P.Rajani Reddy,S.C.for APSRTC

Court made the following :

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Order:

The petitioner questions the transfer order dated 17-09-2002 made by the Regional Manager, Warangal, APSRTC, in transferring him to the Nizamabad region on the ground that he being the junior most regular Driver of Warangal region found excess consequent on curtailment of slack-season and his seniority will be maintained at Warangal region. At the time the petitioner was working at Narsampet Depot, the Depot Manager,Narsampet has relieved him and he was directed to report before the Regional Manager, Nizamabad for further posting at Nizamabad region.

The learned counsel appearing for the respondents submits that as per the regulations, the junior most Driver of one region can be transferred to other region protecting his seniority in his parent region. As there was a slack season at Warangal region, the petitioner and other junior most Drivers were transferred to the Nizamabad Region and Khammam region during the period from July to Setpember,2002. The petitioner being one among the junior most Driver, was also transferred to Nizamabad region and was relieved by the said proceedings dated 17-09-2002. But the petitioner did not report to the Regional Manager, Nizamabad till 04-06-2003 but, whereas the other persons who were transferred along with the petitioner reported to their respective Depots in July and September, 2002 itself. Therefore, the petitioner could not be accommodated even in the Nizamabad region as others already reported and working.

The learned counsel appearing for the petitioner submits that as the petitioner fell sick from 25-09-2002 to 13-10-2002, he was not able to report to the Regional Manager, Nizamabad. In support of his contention, he has also filed a medical certificate dated 14-10-2002 as one of the material papers in the writ petition. Thus the delay was occurred in reporting to the Regional Manager, Nizamabad.

It is stated that the petitioner approached the Regional Manager, Nizamabad

on 04-06-2003 and accordingly the Regional Manager, Nizamabad vide its proceedings dated 04-06-2003 directed the petitioner to approach the Regional Manager, Khammam, as there is no vacancy at Nizamabad region. But the Khammam Regional Manager on the said letter of the Regional Manager, Nizamabad, made an endorsement directing him to report at the Regional Manager, Warangal. Accordingly, the petitioner reported for the necessary postings in one of the depots of the Warangal region.

This Court by order dated 27-06-2003 directed the Regional Manager, Warangal to take the petitioner into duty as Driver in the present place of working at A.P.S.R.T.C. Narsampet Depot, Warangal District, thus, the petitioner is continued at Warangal region.

In view of the subsequent events, I am of the opinion that the transfer order dated 17-09-2002 was already worked out and no further order needs to be passed and the petitioner may be continued at Warangal region. However, it is open for the respondents either to transfer or to take necessary disciplinary proceedings, if any, on the ground that the petitioner has not reported to the transferred place as per the aforesaid transfer order in accordance with rules.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

V.Eswaraiah,J

28-09-2004

Stp

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Regional .Manager, APSRTC, Warangal
2 The Depot Manager, APSRTC, Narsampet Depot,warangal Dt.

3.2CD copies

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THE HON'BLE MR JUSTICE V.ESWARAIAH

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